IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
WRIT PETITION NO. 1132 (S/S) OF 2005
(Civil Misc. Expedite Application No. 2014 of 2006)

Ram Niwas Singh S/o Late Jeet Bahadur Singh,
At present working as Bal Vikash Pariyojna Adhikari, Bajpur
Evem Incharge Program District Program Officer,
Udham Singh Nagar .....Petitioner

Versus

1. State of Uttaranchal through Secretary, Women Empowerment & Child Development, Uttaranchal Sashan, Dehradun.
2. Director Integrated Child Development Scheme, D-47, Sector-4 Defense Colony, Dehradun.
3. District Magistrate, Udham Singh Nagar.
4. Chief Development Officer, Udham Singh Nagar.
5. Sri Akhilesh Misra, Bal Vikash Pariyojna Adhikari, Salt District – Almora ..... Respondents

02.03.2006

Sri Kurban Ali, learned counsel for the petitioner.
Learned standing counsel for the respondents.

Hon'ble Rajesh Tandon, J.

Heard Sri Kurban Ali, Learned Counsel for the petitioner and Standing Counsel for the respondents.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 06.08.2005 passed by respondent No.2 annexed as annexure No. 6 to this writ petition and has prayed for a writ of mandamus commanding the respondents to continue the petitioner on the post Bal Vikash Evem Pariyojna Adhikari, Bajpur and pay the regular salary.

Briefly stated the petitioner was selected through the Public Service Commission Uttar Pradesh, Allahabad in 1999 & joined the service in the office of Director, I.C.D.S., Lucknow (U.P.) in the pay scale of Rs.5000-8000 on 01.05.1999 and joined the finance training from 3rd May to 12th May and Administrative training from 13th May to 18th May and after relieving from the training, the petitioner has

joined Bageshwar on 21.05.1999 as Bal Vikas Pariyojna Adhikari till 20.09.2004.

The petitioner has moved an application dated 16.06.2004. before the respondent No.2 stating therein that he has completed more than five years in district Bageshwar and due to mental illness of his daughter, he may be transferred to Hardwar or Udham Singh Nagar for the better treatment of his daughter. On 06.09.2004, the Director, Integrated Child Development Scheme, Dehradun has issued the transfer list. In this list the petitioner was at serial no.5 in which he transferred from Bal Vikash Pariyojna Adhikari, Bageshwar to Bal Vikash Pariyojna Adhikari, Bajpur on the basis of the personal request and Director, Integrated Child Development Scheme, Dehradun has also passed an order on 06.09.2004 that petitioner shall also hold the additional charge of the Incharge District Program Officer, Udham Singh Nagar.

In compliance of the said order, petitioner was relived on 20.09.2004 from Bageshwar and joined on 30.09.2004 as Bal Vikash Pariyojna Adhikari, Bajpur, Udham Singh Nagar. The petitioner was also given the additional charge of District Program Officer, Udham Singh Nagar on 07.10.2004.

Petitioner has submitted that Director, Integrated Child Development Scheme, Dehradun has passed an order dated 06.08.2005 by which he has transferred the petitioner as Bal Vikash Pariyojna Adhikari, Almora.

In this regard, petitioner has alleged that respondent No.2 has transferred with malafide intention and for harassing the petitioner and his family and he has further submitted that the said transfer order is against the norms & policies issued by the Government on 29.4.2005 against the guidelines of transfer policy of the

Government Servants and also against the violation of Article 14,16 & 311 of the Constitution of India.

The petitioner has also submitted that as per transfer policy, in case transfer is required after 30th June,2005, approval from the concerned ministry would be required prior to passing of transfer order. Since in the case of the petitioner no approval has been obtained from the concerned Ministry, hence transfer order is illegal.

In view of the aforesaid facts and circumstances, a writ of mandamus is issued directing the respondents to decide the representation for the transfer of the petitioner and pass appropriate order in accordance with the law within a period of 4 weeks from the date of production of certified copy of this order.

Consequently, the writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

02.03.2006
Jain